

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH L. NEALE, JR.,

Plaintiff,

v.

ROBERT HOREL, warden; et al.,

Defendants.

No. C 08-755 MHP (pr)

**ORDER OF DISMISSAL**

Joseph L. Neale, Jr., filed this pro se civil rights action under 42 U.S.C. § 1983. The court dismissed the complaint with leave to amend because it failed to state a claim upon which relief could be granted against any defendant. The court explained the deficiencies in the complaint, ordered Neale to file an amended complaint no later than December 23, 2008, and warned that the failure to file the amended complaint by the deadline would result in the dismissal of the action. Neale failed to file an amended complaint and the deadline by which to do so has passed. This action is dismissed for failure to state a claim upon which relief may be granted. The clerk shall close the file.

IT IS SO ORDERED.

Dated: October 7, 2009

  
Marilyn Hall Patel  
United States District Judge